

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

GREGORY HANCOCK, #72882

PLAINTIFF

V.

CIVIL ACTION NO. 2:07cv24-MTP

**LARRY T. DYKES, THOMAS EASON,
MAX DAVIS, CLARENCE H. HINTON, JR.,
AND KEVIN FLYNN**

DEFENDANTS

ORDER

THIS MATTER is before the court upon a letter Motion [133] for Refund of Overpayment of Filing Fee filed by Plaintiff. In his motion, Plaintiff claims that he was overcharged \$135.00 by the Mississippi Department of Corrections (MDOC) and he requests a refund of this money to his inmate account.

In accordance with the parties' settlement agreement in this matter, on December 11, 2009, Defendants paid Plaintiff's full filing fee - \$ 350.00 - directly to the court. However, the MDOC then paid \$30.00 to the court from Plaintiff's inmate account on December 16, 2009, resulting in an overpayment of \$30.00 in this matter. *See* docket. The court was initially going to refund this \$30.00 overpayment to Plaintiff. However, records of the clerk of court indicated that Plaintiff still owes part of the filing fee in another action, Civil Action No. 2:03cv569. Accordingly, the refund check was applied to that action instead on December 23, 2009. *See* Exh. A. As for the additional \$105.00 that Plaintiff claims he was overcharged, that money was received from the MDOC by the court and also applied towards the filing fee in Civil Action No. 2:03cv569.¹ *See* Exh. B. Thus, as the money Plaintiff claims he was overcharged was properly

¹ According to the docket, Plaintiff still owes \$15.00 towards the filing fee in that matter.

applied to another court obligation, Plaintiff is not entitled to a refund of this money.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion [133] for Refund of Overpayment of Filing Fee is denied.

SO ORDERED on this, the 24th day of March, 2010.

s/ Michael T. Parker

United States Magistrate Judge